1892.
(L.R.)

File. No. 199-92.
Serial. No. 1-8.

P-29

Sub:- Right of fixing the Sopnaghatta of the ~~Taluk~~ Tank of Doddamagge, Arakalgud Taluk.

G. R. S. IX-5]

Previous references. 1892

192 .

(dR)

Later references.

File No. 199-9x

Serial Nos. 1-8

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 8

Part B for May 95

SUBJECT.

Right of using the Sopanaghatta of the Camp of Dodda masse, Arkalgud &c.

Ans

Letter Dy. Comr. Hassan Dist—
2016 dt 11-5-95.
FF 298-95
Directing to interfere with the
Dy Comrs rights.

Countermarked.

WD 211—GPS—20,000—11-1-95

(General Serial No. 32.)

1893.

No. 2497

Name of Petitioner. Erachari, Kempa Gowda and others

Village. Dodda Magge

Taluk. Arakalgud

District. Hassan

Date of Arzi. 25-3-93

Date of Receipt. 29-3-93

Date of Disposal.

No. of Enclosures. 1.

LR 1:99-92-1

ABSTRACT.

Appeal against the order, no: 44
dated 4th February 1893, passed by
the Deputy Commissioner of the H.
District in re the right of using the
"Sopanghatta" of the tank of Doddahe
by the Brahmins exclusively. They
state that that ghatta is an ancient one
was built by th
ancestors & the Brahmins as well as th
people of other castes were using it. A
the ghatta is 45 yds in length, there is
no harm if the Brahmins using one hal
& the other caste people the other half.
The matter might have been settled amic
by such or similiar arrangements as
limi

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

claims to it passed the order to their great inconvenience.

Pray that the order of the Deputy Commissioner may be cancelled.

29/3.

In the D[epu]ty Com[missio]n[e]r order it is stated that the Brahmins alone were using the Shaut, ~~and~~ that ~~if~~ the Headmen of other castes should be warned against using it & giving cause for disturbance, and that if they violate the order they would be prosecuted.

Rob[t] [illegible]

W Crooke (Dep[ty] Com[missione]r)

30/3

Received by the Chief Secretary to the Government of Karnataka
15.
16/6/92
Munsiff.

24-3-93

SOUTH KANARA DISTRICT
PETITION DEPARTMENT.
REG'D. NO. 2497
DATE 29-3-93

(1)

92

Munsiff's Court, Hole-Narasipur
No. 320/SP of 19 —
Produced by the Chief Secretary to the Government
Exhibit
16.6.92
Date
Munsiff

ਸਾਰੇ ਕਿਸਾਨ ਮਜ਼ਦੂਰ ਭਰਾਵਾਂ ਦੇ ਦਰਦ ਨੂੰ ਮਹਿਸੂਸ ਕਰਦੇ ਹੋਏ ਸਾਰੇ ਕਿਸਾਨ ਮਜ਼ਦੂਰ ਭਰਾਵਾਂ ਨੂੰ ਇਸ ਸੰਘਰਸ਼ ਵਿੱਚ ਸ਼ਾਮਲ ਹੋਣ ਦੀ ਅਪੀਲ ਕਰਦੇ ਹਾਂ।

ਸਾਰੇ ਕਿਸਾਨ ਮਜ਼ਦੂਰ ਭਰਾਵਾਂ ਨੂੰ ਇਸ ਸੰਘਰਸ਼ ਵਿੱਚ ਸ਼ਾਮਲ ਹੋਣ ਦੀ ਅਪੀਲ ਕਰਦੇ ਹਾਂ। ਸਾਰੇ ਕਿਸਾਨ ਮਜ਼ਦੂਰ ਭਰਾਵਾਂ ਦੇ ਦਰਦ ਨੂੰ ਮਹਿਸੂਸ ਕਰਦੇ ਹੋਏ ਸਾਰੇ ਕਿਸਾਨ ਮਜ਼ਦੂਰ ਭਰਾਵਾਂ ਦੇ ਦਰਦ ਨੂੰ ਮਹਿਸੂਸ ਕਰਦੇ ਹੋਏ ਸਾਰੇ ਕਿਸਾਨ ਮਜ਼ਦੂਰ ਭਰਾਵਾਂ ਨੂੰ ਇਸ ਸੰਘਰਸ਼ ਵਿੱਚ ਸ਼ਾਮਲ ਹੋਣ ਦੀ ਅਪੀਲ ਕਰਦੇ ਹਾਂ।

ਸਾਰੇ ਕਿਸਾਨ ਮਜ਼ਦੂਰ ਭਰਾਵਾਂ ਦੇ ਦਰਦ ਨੂੰ ਮਹਿਸੂਸ ਕਰਦੇ ਹੋਏ

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

(5)

The accompanying Petition No. 2497

dated 25th March/93 received at the

Dewan's Office from Era Chari and others of Doddamagge Arkalgud Taluq, appealing against the Dy. Commrs order prohibiting the use of the "Sopanighatta" of the tank of the village. ~~by the~~ Petitioners

is forwarded, together with its one enclosures, to the Dy. Commr. Hassan District for a full report of the real facts.

2. It should also be stated whether it is true as alleged by Petitioners that they were also using the ghat prior to the date of the Dy. Commrs order.

1 A 199-92-2

By Order,

Draft

Chief Secretary.

BANGALORE,
31/3/1893.

Commrs order.

31/3.

M. G. C. P. Bangalore.—21-11-92—3,000.

Reply No 1032 dt 20-4-93.

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE
12061
1893 . 21 APR. 93
Pet 499

From

The Deputy Commissioner
Kaban District

To

The Chief Secretary to the Dewan of Mysore.

Dated 20th April 1893.
Despatched 20th April 1893.
Received

Enclosures No. Petn & file of Ver. papers.

General No. 1032
No. Secy

In reply to No: 1267 dated 18th April 1893.

SUBJECT.

Submitting report on the petition of Erachari and others of Doddamoggur, Arkalgud Taluk, against the use of Sopanaphalla of the Tank of the village tea.

Petn for
MM
4/4

Submitted to the Chief Secretary with references. The report shows that the Petrs' allegation that they were also using the Ghaut is not true. WH 4/5

References (to be entered only in the Dewan's Office).

La 197-12-3

Munsiff's Court, Hole-Narsipur
No. OS 320/90 of 19 —
Produced by Chief Secretary to Govt
Exhibit II
Date 30.7.92 Munsiff

The order appears seems to be just but what can the Comrs under Sec 91 Cent. Act can interfere in the matter? Send the papers to Mr Reeves to Chelluyer for his remarks

WH 10/5/93

WH 10/5/93 Commissioner

WH 20/5

It is not clear under what provision of the law the Dy Comr passed the order in question. From this report it appears that the Dy Comr interfered on the alleged encroachment of the Non-Brahmin Community likely to cause a breach of the peace. If so the case falls under S 147 Cr. P. Code. But WH 20/5 Commissioner

WH 20/5 Dy Commissioner pardon

Ref to the Dewan's No 1298-92 dated 22-4-93

the proceedings do not show that the Officer acted under that section or followed the procedure indicated in Ch XII of the Criminal Procedure Code — Before passing orders on this matter I would ask the Officer to state whether the order in question was passed by him in his capacity of Magistrate or as Officer in the latter case he quote the provision of the Revenue law under which the order appealed against was passed.

Query whether s 36 of the Land Revenue Code would apply to this case?

20/5/93

Papers
Draft
Telegram
20/5

No 1032

Petn & file of L.P.

Up 320 of 1950-51
ced by The Chief Secry to the Govt of Mysore
16/6/52
Munsiff

Dated. Hassan 20th April 1893

Munsiff's Court, Hole-Narsipur
No. 320/50-51 of 19 —
Produced by The Chief Secretary to the Govt of Mysore
Exhibit C
Date 16.6.52
Munsiff

P. R. Purnaiya Esqr

Deputy Commissioner

Hassan District.

To

The Chief secretary

to Government of Mysore

Sir,

Adverting to the Foreign Memorandum No 1267 dated 10th Instant, forwarding for a full report of the real facts, Petition received at the Dewan's office from Serachari and others of Dodda Hosge of the Arkalgud Taluk, about the use of the "Sobana Ghatta" of the Tank of the village,

follows.

2. The facts of the case are simply these:

The tank referred to contains three separate ghattas or Kadavus marked A. B & C in blue pencil in the accompanying sketch— paper No 49 in the file.— They have been used by the different sects of the village. The Sobanaghatta ~~Sthuvaram ghatta~~ mark A has been used from time immemorial by the Brahmins whereon they bathe, wash their clothes, perform their Achamika (ablutions) and also fetch water. The other ghattas or Kadavus B and C have been used by Aksaligas and Vakkaligas respectively.

3. During the Gowri festival

of the last year, however, the
Akkasaligaru effected a forcible
entrance into the Sobangkatta
with the help of the Patel and other
villagers with the pretext of throwing
the Gouri into the tank in that
shatta and succeeded in their
attempt, in spite of the protest
by the Brahmins. A misunder-
standing thereupon and all the
villagers as well as the Goldsmiths
and people of other castes including
washermen encroached upon
and usurped the Sobangkatta
and began to wash their clothes,
bathe and fetch water therefrom,
thus annoying the Brahmins
and also leading to the breach
of the peace.—

Brahmins 4 They then preferred a

complaint to the Taluk amil-
dar who enquired into the matter.
They cited 23 witnesses and filed
a certified copy of a patta of land
called "Sarige hola" granted to
their ancestors by the late amil-
dar Channabasavanja of the
Shishtaraj hatte Taluk dated
Pramadi corresponding to the
one which entered 74 years ago,
~~for building houses, on pay-~~
ment of Kandiroy 8 Pagodas and
1 fanam, whereon they erected
their houses and the sobanghetta
and a kandāham) in question.
of the 23 witnesses examined, 12
are persons of vakkaligar and
other castes and 11 are Brahmans.
All of them unanimously and
conclusively testify to the facts

of the Shastra is being encroached

GOVERNMENT OF MYSORE

used by Brahamans for upwards of 50 years and by no others, and b- the fact of Kadavus B & C being respectively used by Akkasaligas and persons of other castes. The opposite or non Brahamin party adduced no evidence either oral or documentary in support of their statement, that they have also been using the Sobangkatta. The amildar thereupon submitted a report enumerating the full facts of the case and solicited instructions in the matter.

5. Upon a full consideration of the evidence recorded, I found that the right of Brahmins

to the Sobandhatta was duly

established and that the Sobandhatta or plot in question is on the land which they originally obtained from late Amildar 74 years ago as stated above, and directed that the principal members of the opposite party (the appellants) should be served with notice to refrain from entering upon the Sheetha A and in case of breach of the said order they would be prosecuted for the same. Hence the appeal.

6. The vernacular papers with sketch ending with Asstt Amildar's report No 624 dated 22nd March 1892 are also submitted for further reference and return.

The enclosures

The enclosures are in
here with returned.

I have the honor to be

Sir

your most obedient servant

W. Kincaid

Deputy Commissioner

Hassan district

(General Serial No. 82.)

189

No. 2979

Name of Petitioner: Rughavachary Venkatramiah & others

Village. Wodmage

Taluk. Arkalgud

District. Hassan

Date of Arzi. 11·5·93

Date of Receipt. 12·5·93

Date of Disposal.

No. of Enclosures. Nil

ABSTRACT.

Petition submitted by appellants against the order of the Deputy Commissioner dt 4·1·93 in re: the bathing ghats of the tank in the above said village.

Petitioner, who is one of the Brahmin party asks for copy of the appeal petition of the opposite party upon which the present proceedings were called in. The appeal is not a regular Council appeal nor has any notice of the appeal been given to the Opposite party and the matter of complaint is under correspondence

Order solicited whether at this stage copy of the appeal petition can be furnished to the Petitioners

Parties Deputy Commissioner

Reply is required to the petition

Mysore Govt. Central Press Bangalore—7-9-92,—1000

Munsiff's Court, Hole-Narasipur.

No. OS 320/50-51 of 19 —19

Produced by The Chief Secretary to the Govt

Exhibit E

Date 16.6.82

Munsiff

Munsiff's Court, Hole-Narasipur.
No. O.S. 320/80 of 19 —19
Produced by Chief Secretary to Govt
Exhibit III (marked in 2005)
Date 30/7/92

(9)

Drawn

123

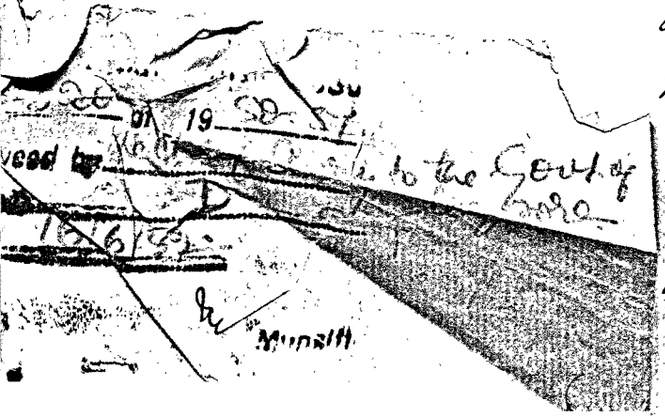
To

The Deputy Commissioner
Hassan District

No. 19886 dt. 25/5/93 Secn.
Pet. F. 298-92

With reference to your letter No 1032 dated the 20th ultimo, reporting on the petition of Iyachari and others of Doddmagge in the Arkalgud Taluk regarding their claim to the use of a bathing ghaut in common with Brahmans, I am directed to request that you will be so good as to state whether the order issued by you recognising the right of the Brahmins alone to the ghaut and prohibiting the petitioners from resorting to it was passed in your capacity as Magistrate of the district or as Deputy Commissioner, and in the latter case to quote the provision of the law

Munsiff's Court, Hole-Nara...
No. O.S. 320/80 of 19 —19
Produced by the Chief Secretary to the Govt of Mysore
Exhibit III
Date 30.7.92



Revenue Law under which
the order was passed.

2 The vernacular records
received with your letter are
~~[illegible]~~ returned, for
reference & examination.

I have &c.

Chief Secretary

(General Serial No. 30.)

GOVERNMENT OF MYSORE

1894. 4173

25 SEP 94

From

The Dy Commissioner
Kolar
Kaspan District

(10)

To

The Chief Secretary to the Dewan
of Mysore.

Dated 24th September 1894

Despatched

Received

Enclosures No. 1 file V.L

General No. 223 S. of 1894

Submitted to the Ch. Secy with reference to the Judicial Councillors order dated 20 May 1893 (No 6 in Col. 6)
D.J 4/10/94

Submitted to 2nd Councillor.
DJ 6/3/95

Subject: Submitting further report on the petition of Duchari & others of Dodmoggé Hakal - Gud Taluk regarding bathing ghat. —

Give an endorsement declining to interfere

Send copy to Dy Com- as I understand matters have finally been settled amicably & if not- Why does he not issue such orders as may be binding upon all concerned under any regn - said rule or authority; as otherwise the order of the Dy Com- may be treated lightly and there may be no legal means of enforcing it which would be an undesirable contingency

Peter 25-9-94

Read 26/9/94

22/4/95

№ 223

S. Exec. V-P. file.

Deputy Commissioner's office

Hassan district

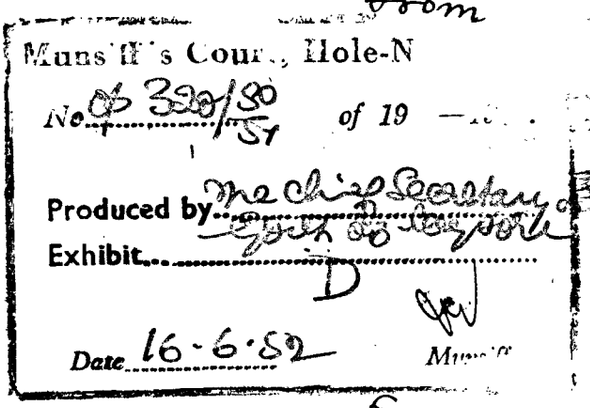
Dated Hassan 24th September 1894.

From

P. L. Purnaiya Esquire

Deputy Commissioner

Hassan district



To

The Chief Secretary to the

Government of Mysore

Bangalore

Sir

Adverting to your letter № 19886 P.S. 298-92 dated 23rd May 1893 anent the bathing Ghat at Dodda Hagge in the Arkulgud Taluk, I have the honor in continuation of my previous letter № 1032 dated 20th April 1893, to report that on the Complaint of the Brahmins that the Gold Smiths intruded upon them and polluted them while they were bathing and making Japams and carrying on worship sea in their own Ghat, the Amildar was directed to hold a miscellaneous enquiry and submit

a

a report.

2. – The facts are reported in my previous letter. ⊗

6 in the file

3 – In addition to what is stated there; I have now only to explain that by the order it was not meant more than to inform the parties how their respective cases stood – as the enquiry clearly showed that the Brahmins were right in what they asserted and also to admonish them what the Consequences of the intrusion of the Goldsmiths without right on their side – would be in the event of their persisting in their act of intrusion and annoyance.

4. Very often such Complaints are settled – quietly and finally by the parties Coming to Know how they stand towards one another by such orders and for Executive purposes prove very Convenient But when in Some few instances it may fail, then – the formality of a Magisterial enquiry is gone through and a binding order is passed to protect peace on their rights till parties get an adjudication in proper Civil tribunals.

5. It is frequently a matter of Complaint that

that a washerman washes clothes in a place where men and women are bathing and Spits -Kles dirty water from his clothes on them or that a fisherman boy Keeps anything with his rod in a place where from Caste men and women Carry their drinking water or water for culinary purposes.

6. In practice it is found expedient not to exaggerate these matters into important questions of right till Settlement, otherwise by an Executive order is found not possible.

7. As at present, there is no law but the Criminal Procedure Code to enforce, if there is a fear of breach of the peace and when there is no such apprehension, the parties will have to be referred to Civil Courts.

8. This is the result in the end, should such Executive order prove ineffectual.

9. I regret the delay in replying to this reference Caused by oversight.

10.— The Vernacular records are herewith re-submitted.—

I have the honor to be

Sir,

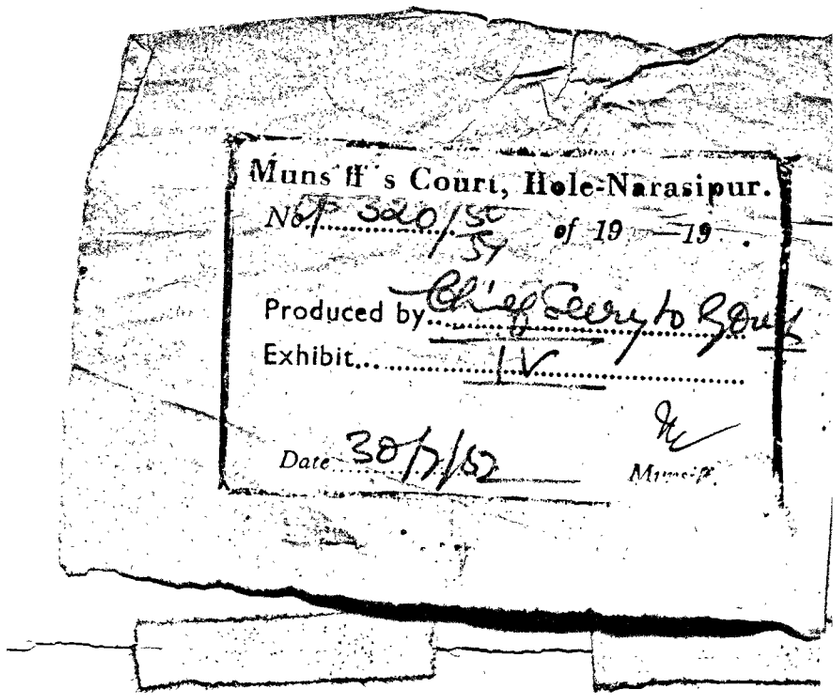
Your most obedient Servant

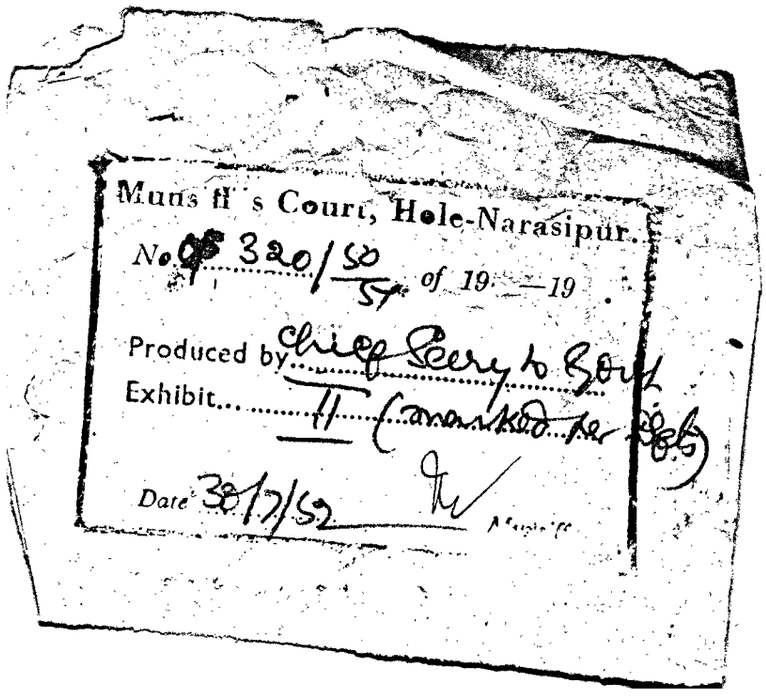
M Durnford

Deputy Commissioner

Hassan district

4


Munsiff's Court, Hole-Narasipur.
No. 320/50
57 of 19 —19 .
Produced by Chief Secy to Govt
Exhibit... IV
Date 30/7/52
Munsif.


Munsiff's Court, Hole-Narasipur.
No. 320/50
57 of 19 —19 .
Produced by Chief Secy to Govt
Exhibit... II (Corrected per Order)
Date 30/7/52
Munsif

No. 2497

(12)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 22nd April 1895

Endorsement granted to Trachari and others of Dodmagge, Arkalgud Taluk

in reply to ~~Kelavu~~ Petition Registered No. 2497 dated 25th March 1893 appealing against Dy. Commr's order prohibiting the use of the "Shanubhatte" of the tank of the village by Petitioners -

Petitioners are informed that Govt. decline to interfere.

2. The Deed is returned.

By order

Draft. Dfg: Chief Secy.

No. 20116 / Pet. F. 298-92 dt. 22-6 / 11-5 / 95

Dy.

Copy forwarded to the Dy. Commr. Hassan for information returning the Vernacular records received with his letter No. 223 dated 24th September 1894:

2. The Dy. Commissioner is requested to report if the dispute has been finally settled amicably and if not to pass such orders finding as may be upon all concerned under any recognized rule or authority, as otherwise the order of the Dy. Commr. ~~Chief Secretary.~~ may be treated lightly and there may be no legal means of

Munsiff's Court, Hole-Narasipur.

No. OP 320/80 of 19 —19 .

Produced by the Chief Secretary to the Govt. of Mysore

Exhibit... IV

Date 30-7-82 Munsiff

M.G.C.P.B—19-2-95—1,000

would be an undesirable
contingency.

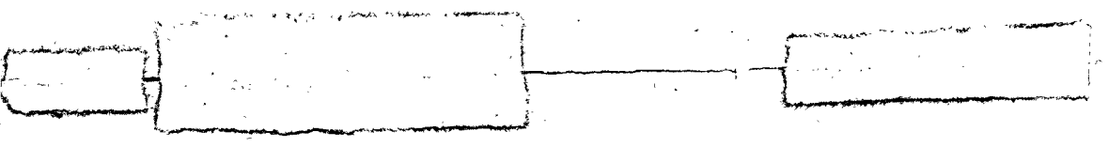
By order

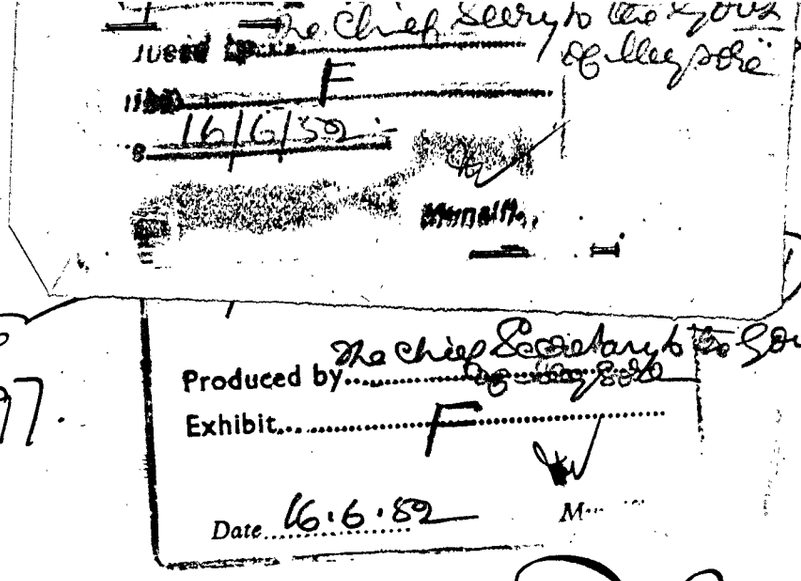
26/4/55

draft Maj. Chepsey

SKR
24/4. Resident

25/4




The Chief Secretary to the Govt
F
16/6/52
Produced by The Chief Secretary to the Govt
Exhibit F
Date 16.6.52